Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the Twenty-sixth Day of *May* 1736.

CHAP. I.

An Act for granting the Sum of *Three Thousand Pounds* for the Support of His Majesty's Governour.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Sum of *Three Thousand Pounds* in Bills of publick Credit on this Province be and hereby is granted unto His most Excellent Majesty, to be paid out of the publick Treasury to His Excellency *Jonathan Belcher*, Esq; Captain General and Governour in Chief in and over His Majesty's Province of the *Massachusetts-Bay*, to enable him to go on in managing the publick Affairs.

AND the Duties of Impost and Excise, together with all other Incomes, shall be a Fund and Security for the payment and drawing in the said Bills into the Treasury again.

And be it further enacted, That there be and hereby is granted unto His most Excellent Majesty as a further Fund and Security for drawing in the said Bills, by this Act ordered to be emitted, a Tax of *Three Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and Directions, and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court at their Session in *May* One Thousand seven Hundred and thirty-eight, and paid into the publick Treasury on or before the last Day of *December* next after.

CHAP. II.

An Act to Impower and Oblige the ſurviving Truſtees of the firſt *Fifty Thouſand Pounds* Loan, ſo called, to comply with what was enjoyned the ſaid Truſtees in the ſeveral Acts referring to the ſaid Loan.

Preamble. *WHEREAS in the Act for making and emitting the Sum of* Fifty Thouſand Pounds *in Bills of Credit on this Province, made and paſſed in the firſt Year of the Reign of His late Majeſty King* GEORGE, *It is enacted,* "*That* Andrew "Belcher, Addington Davenport *and* Thomas Hutchinſon, *Eſqrs; and Mr.* "John White *and Mr* Edward Hutchinſon, *be the firſt Five Truſtees for putting* "*the ſaid Act in Execution,*" *Three of whom,* viz Andrew Belcher, Addington Davenport *and* John White *are deceaſed, and no other Perſons have been appointed in the Room of thoſe deceaſed as aforeſaid, ſo that there is not a major Part of the ſaid Truſtees ſurviving to act in and finiſh the Truſt committed to them by Virtue of the aforeſaid Act:*

Be it therefore enacted by His Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,

The two ſurviving Truſtees impowered to act. That *Thomas Hutchinſon* and *Edward Hutchinſon,* Eſqrs; the only ſurviving Truſtees as aforeſaid, ſhall be and hereby are fully authorized, impowered and required, without delay, to Settle all Accompts reſpecting the ſaid *Fifty Thouſand Pounds* Loan, yet remaining unſettled, and purſue and follow the Directions of the ſeveral Acts or Laws of this Province referring thereto, in ſuch manner as is therein directed, and as fully and effectually to all Intents and Purpoſes whatſoever, as if a major Part of the ſaid Truſtees were now living, and ſhall be entitled to all the Benefit and Profit accruing thereby to the Truſtees.

CHAP. III.

An Act to prevent the Multiplicity of Law-Suits.

Preamble. *WHEREAS of late it hath been the Practice of ſome of the Sheriffs, Under-Sheriffs, or their Deputies, within this Province, to receive from ſome of the Juſtices of the Peace, and the Clerks of the Courts within the reſpective Counties, blank Writs, and then fill them up and ſerve them; and ſometimes appear by virtue of a Power of Attorney to purſue the ſame; which Practice has a Tendency very much to increaſe the Number of Law-Suits and to a partial Adminiſtration of Juſtice:*

For Remedy whereof;

Be it enacted by His Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,

Sheriffs and their Officers forbid to fill up Writs, &c. unleſs in their own Cauſes. That no Sheriff, Under-Sheriff or Deputy-Sheriff within this Province, from and after the Publication of this Act, ſhall preſume to draw or fill up any Writ for any Matter or Thing whatſoever, triable before any of His Majeſty's Juſtices of the Peace or Courts of Record within this Province, or be any ways of Advice or Aſſiſtance therein, unleſs in Caſes where he or they are concerned as Plantiff. And in Caſe it appears to the Juſtice or Court, to whom ſuch Writ is returned, that any Writ was ſo drawn or filled up as aforeſaid, ſuch Juſtice or Court ſhall diſmiſs the ſame, and allow Coſts for the Defendant.

And

And be it further enacted by the Authority aforesaid, That no Appearance of any Sheriff, his Under-Sheriff, or Deputy, before any Justice of the Peace or Court of Record, by Virtue of a Power of Attorney, shall be allowed good to any Intent or Purpose whatsoever, in the County where he is an Officer, except where the Party giving the Power lives out of the Province, and in this Case, his Appearance shall not be allowed, if he filled the Writ. Sheriffs and Under-Sheriffs Appearance not to be allowed.

This Act to continue and be in force for the space of Five Years from the Publication thereof, and no longer. Limitation

CHAP. IV.

An Act to enable the Overseers of the Poor and Select-Men to take Care of idle and disorderly Persons.

WHEREAS some idle, dissolute and vagrant Persons, having some Estate, and accordingly Rateable, take no Care of their Families, nor improve their Estates to the best Advantage, which Persons are not under the Care or Inspection of the Overseers of the Poor or Select-Men of the Town where such idle Persons dwell; Preamble.

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That where any idle, dissolute or vagrant Persons, having a rateable Estate, do neglect to take due Care of themselves and their Families, or to improve their Estates, that in all such Cases the Overseers of the Poor, or the Select-Men of the Town, shall be and hereby are impowered to take the like Care and Inspection of such Person or Persons that neglect the due Care and Improvement of their Estates, and that mispend their Time and Money, and that live idle, vagrant and dissolute Lives, as if they were poor, indigent and impotent Persons, and accordingly put out, into orderly Families, their Children, if any they have, and improve their Estates to the best Advantage, and apply the Produce and Income thereof towards the Support of them and their Families. Idle Persons having Estates to be taken Care of by the Select-Men, &c.

Provided, That any of the said idle Persons, thinking themselves agrieved, may make their Application to, and have Remedy from, the Justices in General Sessions of the Peace in the same County (if they see Cause) who are hereby impowered to relieve such agrieved Person from the Determination of the Select-Men. Proviso.

This Act to continue and be in force for the Term of Ten Years from the Publication thereof and no longer. Limitation.

CHAP. V.

An Act for Rebuilding the Bridge called *Miles Bridge*, over the River between *Swanzey* and *Barrington*.

WHEREAS the Bridge over the River between Swanzey *and* Barrington, *in the Country Road, commonly called* Miles Bridge, *has been found very beneficial, and heretofore hath been built and maintained by the said Towns of* Swanzey *and* Barrington, *but of late has been neglected, and is become wholly useless, very much to the Prejudice of the Publick;* Preamble.

For

For Remedy whereof;

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Court of General Seſſions of the Peace for the County of *Briſtol* be and hereby are Impowered and Ordered to iſſue and ſend forth Warrants to the ſaid Towns of *Swanzey* and *Barrington* reſpectively, requiring the ſaid Towns to build a good and ſubſtantial Cart Bridge croſs the ſaid River in the Country Road aforeſaid, where the ſaid Bridge did ſtand, two third Parts to be done by the Town of *Swanzey*, and the other third Part by the Town of *Barrington*: And in Caſe of neglect of the ſaid Towns to build the Bridge aforeſaid, in manner aforeſaid, for the Space of three Months next after their being ordered to do the ſame by the ſaid Court of General Seſſions of the Peace, the ſaid Court of General Seſſions of the Peace are hereby Impowered and Directed to order and ſet on Work proper Perſons to build the aforeſaid Bridge, and to levy the Coſt and Charge thereof by Warrant of Diſtreſs on the Eſtate of the ſaid Towns of *Swanzey* and *Barrington* and for want thereof on their Inhabitants; two Thirds thereof on the ſaid Town of *Swanzey*, and the other Third on the ſaid Town of *Barrington*; but in Caſe one of ſaid Towns only ſhould refuſe or neglect to do their proportionable Part of ſaid Bridge as aforeſaid, then the ſaid Court of General Seſſions of the Peace are hereby Impowered and Directed to Order and Imploy proper Perſons to perform and do the ſame, and levy the Coſt and Charge thereof by Warrant of Diſtreſs as aforeſaid, on ſuch defective Town; and in like manner from Time to Time forever hereafter, the ſaid Court of General Seſſions of the Peace are hereby impowered and directed to order the Repairing, and Rebuilding, and keeping in good Condition the aforeſaid Bridge.

Towns of *Swanzey* and *Barrington* to pay the Charge of Building and Repairing *Miles-Bridge.*

[*The Five foregoing Acts were Publiſhed* July 8. 1736.]

21 JY 60

BOSTON:

Printed by J. Draper, Printer to His Excellency the GOVERNOUR & COUNCIL, 1736.